



WISCONSIN

DEPARTMENT OF WORKFORCE DEVELOPMENT

Division of Workforce Solutions
Bureau of Workforce Programs

**TO: Economic Support Supervisors
Economic Support Lead Workers
Training Staff
Child Care Coordinators
W-2 Agencies**

**FROM: Stephen M. Dow
Policy Analysis and Program Implementation Unit
Work Programs Section**

BWP OPERATIONS MEMO

No.: 01-55

File: 1125.7

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Non W-2 [X] W-2 [X] CC [X]

PRIORITY: Medium

**SUBJECT: IMPACT ON ELIGIBILITY OF THE "TRAFFICKING VICTIMS
PROTECTION ACT OF 2000"**

EFFECTIVE DATE: Immediately

PURPOSE

This Memo provides information on the Trafficking Victims Protection Act of 2000, the requirements for certification, the documents that victims of severe forms of trafficking will present and the procedures agencies should follow in confirming eligibility for benefits.

BACKGROUND

An estimated 700,000 persons are trafficked worldwide each year. Approximately 50,000 women and children are trafficked annually into the United States along with an unknown number of men. Traffickers force their victims into prostitution, slavery and forced labor through coercion, threats of physical violence, psychological abuse, torture and imprisonment. To deter these crimes, Congress passed and the President signed the Trafficking Victims Protection Act of 2000 (PL 106-386) in October.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

The Act makes adult victims of severe forms of trafficking who have been certified by the US Department of Health and Human Services (HHS) eligible for federal public benefits and services to the same extent as refugees.¹ The Act aims to combat trafficking through increased

¹ The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, or the "Welfare Reform Act") restricted immigrant eligibility for many federal and state public benefits. Most victims of severe forms of trafficking will not have an immigration status that confers eligibility for benefits under the Welfare Reform Act's provisions. This, however, will not prohibit them from receiving benefits because the Trafficking Victims Protection Act makes victims of severe forms of trafficking eligible for benefits to the same extent as refugees; refugees are exempted from most of the Welfare Reform Act restrictions. In addition, the Trafficking Victims Protection Act allows victims of severe forms of trafficking to access refugee benefits and services.

law enforcement, to ensure effective punishment of traffickers, to protect victims and to provide Federal and State assistance to victims.

Victims of severe forms of trafficking who are under 18 years of age are also eligible for benefits to the same extent as refugees but do not need to be certified. The federal Office of Refugee Resettlement (ORR) is in the process of developing certification procedures. Until formal procedures are developed, benefit-granting agencies should follow the guidance in this Memo.

ELIGIBILITY

Under the Act, adult victims of trafficking who are certified by HHS are eligible for Refugee Cash Assistance, Refugee Medical Assistance, Medical Assistance, Food Stamps, Badger Care, Child Care and W-2 benefits to the same extent as refugees.

Children who have been subjected to trafficking are also eligible like refugees but do not need to be certified.

CERTIFICATION

HHS' ORR has been delegated the authority to conduct certifications. ORR will issue certification letters to adult victims of trafficking who meet the certification requirements and similar letters for children who have been subjected to trafficking. Samples are attached; however, the actual form and content of the letters may change in the future.

To receive a certification, a trafficking victim must be willing to assist with the investigation and prosecution of trafficking cases **and either**:

1. Have made a bona fide application for a "T" visa, **or**
2. Be an individual whose continued presence the Attorney General is ensuring to effectuate a trafficking prosecution.

ELIGIBILITY FOR BENEFITS

When a trafficking victim applies for benefits, follow normal procedures for refugees except:

1. Accept the original certification letter or letter for children in place of INS documentation.

Do **not** require victims of severe forms of trafficking to provide any documentation of their immigration status.

2. Call the trafficking verification line at 202-401-5510 to confirm the validity of the certification letter or letter for children and to notify ORR of the benefits for which the individual has applied.

At this time, SAVE does not contain information about victims of severe forms of trafficking. Until further notice, do not contact SAVE concerning victims of severe forms of trafficking.

3. Enter Alien Status Code "04" for refugee in ANAR screen until you are notified a specific code has been created.
4. Note the "entry date" for refugee benefits purposes. A trafficking victim's "entry date" is the certification date, which is in the body of the certification letter or letter for children.

5. Issue benefits to the same extent as you would a refugee, provided the victim of a severe form of trafficking meets other program eligibility criteria (e.g., income levels).
6. Record the expiration date of the certification letter or letter for children in SAVE VR field on ANAR.

Schedule re-determinations of eligibility not later than the expiration date on the letter if that date is prior to the normal mandatory review date.

CONTACTS

PERSONS CLAIMING TRAFFICKING VICTIM STATUS BUT WITHOUT CERTIFICATION

You do not need to conduct any certification activities. If you encounter an individual or child you believe may meet the definition in the Act, contact the DWS Office of Refugee Services At 608-266-8354 for further information and assistance with certification.

GENERAL CONTACT

DES CARES Information and Problem Resolution Center

Email: carpolcc@dwd.state.wi.us
Phone: 608-261-6317 (Option #1)
Fax: 608-266-8358

Note: Email contacts are preferred. Thank you.

Sample Adult Letter

[US Department of Health & Human Services, Administration for Children & Families
(DHFS/ACF) Here]

HHS Tracking Number
5555555555

Ms. Susie Doe
c/o Jim Thomas, Refugee Social Worker
Smith County Community Service Office
123 Main St.
Bellevue, WA 55555-5555

CERTIFICATION LETTER

Dear Ms. Doe:

This letter confirms that you have been certified by the Department of Health and Human Services (HHS) pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000. Your certification date is _____. This certification is valid for eight months from the date of this letter. The expiration date is _____.

With this certification, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria. This certification does not confer immigration status.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson
Acting Director
Office of Refugee Resettlement

Sample Child Letter

[US Department of Health & Human Services, Administration for Children & Families
(DHFS/ACF) Here]

HHS Tracking Number
5555555555

Ms. Susie Doe
c/o Jim Thomas, Refugee Social Worker
Smith County Community Service Office
123 Main St.
Bellevue, WA 55555-5555

Dear Ms. Doe:

This letter confirms that, pursuant to section 107(b) of the Trafficking Victims Protection Act of 2000, you are eligible for benefits and services under any Federal or State program or activity funded or administered by any Federal agency to the same extent as an individual who is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act, provided you meet other eligibility criteria.

Your initial eligibility date is _____. This eligibility is valid for eight months from the date of this letter. The expiration date is _____.

You should present this letter when you apply for benefits or services. Benefit-issuing agencies should call the trafficking verification line at (202) 401-5510 to verify the validity of this document and to inform HHS of the benefits for which you have applied.

Sincerely,

Carmel Clay-Thompson
Acting Director
Office of Refugee Resettlement